

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: LISA SMITH

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

LISA SMITH

CASE NO: 5-23-00887-MJC

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on May 10, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice.

1. A Petition under Chapter 13 was filed on April 24, 2023.
2. The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
  - Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
  - Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
  - CHAPTER 13 PLAN

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-22-01875-MJC

Counsel: PRO SE

Filing Date: 09/29/22

Date Dismissed: 11/09/22

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to file information

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Case Number: 5-17-01703-JJT

Counsel: VINCENT RUBINO, ESQUIRE

Filing Date: 04/25/17

Date Dismissed: 04/11/18

Total Payments: \$2842.43

Chapter: 13

Result: Dismissed for failure to make plan payments

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Case Number: 5-14-05560-JJT

Counsel: TULLIO DeLUCA, ESQUIRE

Filing Date: 12/02/14

Date Dismissed: 05/06/15

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for failure to make plan payments

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Case Number: 5-12-05035-RNO  
Counsel: STEVEN SAVOIA, ESQUIRE  
Filing Date: 8/29/12  
Total Payments: \$0.00  
Result: Dismissal requested by debtor

Date Dismissed: 01/23/13  
Chapter: 13

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Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of four (4) prior Chapter 13 petitions within a ten(10) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and/or other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Enter an Order dismissing the above-captioned case and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire  
Id: 47613  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: amchale@pamd13trustee.com

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JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-23-00887-MJC

**NOTICE**

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, has filed a Motion to Dismiss with Prejudice for failure to file:

- Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD
- Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
- CHAPTER 13 PLAN

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

Date: June 1, 2023  
Time: 10:00 AM

Objections/responses are due on or before May 24, 2023. The hearing as scheduled will be held regardless of any objections or responses having been filed.

Dated: May 10, 2023

/s/ Agatha R. McHale, Esquire  
Id: 47613  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: info@pamd13trustee.com

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Movant

CASE NO: 5-23-00887-MJC

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 10, 2023, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

**Served Electronically**

UNITED STATES TRUSTEE  
1501 NORTH 6TH STREET  
BOX 302  
HARRISBURG, PA 17102

**Served by First Class Mail**

LISA SMITH  
1224 ALLEGHENY DR  
BLAKESLEE, PA 18610

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 10, 2023

/s/ Vickie Williams

Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

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Respondent(s)

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.

